



### **III. PARTIES**

3. Plaintiff is a natural person residing in the County of St. Louis, State of Missouri.

4. Defendant Portfolio Recovery Associates, LLC (hereinafter referred to as "PRA") is a Delaware limited liability company, doing business in the State of Missouri. PRA's principal place of business is located at 120 Corporate Blvd., Norfolk, VA 23502. PRA has no registered agent in the State of Missouri.

5. Defendant is engaged in the collection of debts from consumers using the mail, facsimile transmission and telephone. Defendant regularly attempts to collect consumer debts it purchases after default and/or defaulted consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. § 1692a(6).

6. The acts of Defendant alleged hereinafter were performed by its employees acting within the scope of their employment with Defendant, and with its actual or apparent authority.

7. PRA may be served by personal or substitute service pursuant to the Federal Rules of Civil Procedure and, as applicable, the laws of the state of Missouri.

### **FACTS COMMON TO ALL CAUSES**

8. PRA uses telephone communications in its business.

9. The principle purpose of PRA's business is the collection of debts.

10. PRA regularly collects or attempts to collect debts owed or due, or asserted to be owed or due, to another.

11. PRA is a debt collector subject to the provisions of the Fair Debt Collection Practices Act.

12. In the course of attempting to collect a debt allegedly due from Plaintiff to another business not a party to this litigation, PRA communicated with Plaintiff in a manner which violated the Federal Fair Debt Collection Practices Act.

13. PRA left several prerecorded voice messages for Plaintiff on his cell phone voice message system during the time spanning from April 27, 2009 through April 26, 2010. Plaintiff's cell phone number is (314) 518-0902.

14. In all of the voice messages, PRA failed to give meaningful disclosure of its identity.

15. In all of the voice messages, PRA failed to state that the communication was from a debt collector.

16. In all of the voice messages, PRA failed to state that the communication was an attempt to collect a debt.

17. Defendant's communications violate the Fair Debt Collection Practices Act and the Telephone Consumer Protection Act.

18. Plaintiff has complied with all conditions precedent to bring this action.

**CAUSES OF ACTION**

**FAIR DEBT COLLECTION PRACTICES ACT**

19. The acts of Defendant constitute violations of the Fair Debt Collection Practices Act.

20. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. The placement of telephone calls without meaningful disclosure of the caller's identity, in violation of 15 U.S.C. § 1692d(6);
- b. The use of any false, deceptive, or misleading representations or means in connection with the collection of any debt, in violation of 15 U.S.C. § 1692e;
- c. The use of any false representation or deceptive means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692e(10);
- d. The failure to make the required disclosures in all communications in violation of 15 U.S.C. § 1692e(11) ;

21. As a result of the Defendant's actions, the Plaintiff is entitled to an award of statutory damages, as well as an award of costs and attorney's fees.

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Statutory damages pursuant to 15 U.S.C. § 1692k;
- B. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k;
- C. For such other and further relief as may be just and proper.

**VIOLATIONS OF THE TCPA**

22. Plaintiff incorporates herein by reference each and every prior allegation and fact as though fully restated and re-alleged.

23. Defendant's actions violated the TCPA. The violations include, but are not limited to, the following:

(a) Defendant violated 47 U.S.C. § 227(b)(1)(B) when it left prerecorded/autodialed messages on Plaintiff's personal cell phone line without Plaintiff's prior express consent;

**WHEREFORE**, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

A. Damages pursuant to 47 U.S.C. § 227(b)(3);

**PLAINTIFF HEREBY REQUESTS A TRIAL BY JURY**

/s/ John Llamas  
**John Llamas**

Respectfully submitted,

**THE SWANEY LAW FIRM**

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